

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OWEN W. BARNABY,

Plaintiff,

v

MICHIGAN STATE GOVERNMENT,
HON. GRETCHEN WHITMER GOVERNOR
OF MICHIGAN, HON. JENNIFER
GRANHOLM GOVERNOR OF MICHIGAN,
HON. RICK SNYDER GOVERNOR OF
MICHIGAN, SUPREME COURT OF
MICHIGAN, STATE BAR OF MICHIGAN,
KENDELL S. ASBENSON (P81747),
MICHIGAN ATTORNEY GENERAL DANA
NESSEL, CITY OF BENTON HARBOR,
NILES CHARTER TOWNSHIP, BOARD OF
TRUSTEES OF NILES CHARTER
TOWNSHIP, BERRIEN COUNTY
GOVERNMENT, BERRIEN COUNTY
BOARD OF COMMISSIONERS, BRET
WITSKOWSKI TREASURER OF BERRIEN
COUNTY, KATHLEEN CULBERSON
NOTARY PUBLIC OF BERRIEN COUNTY,
TITLE & INSURANCE COMPANY(s),
ATTORNEY DONNA B. HOWARD,
ATTORNEY MCKINLEY R. ELLIOTT,
ATTORNEY JAMES MCGOVERN,
ATTORNEY JEFFREY R. HOLMSTROM,
HOLMSTROM LAW, PLC,

Defendants.

No. 22-cv-01146

HON. ROBERT J. JONKER

MAG. SALLY J. BERENS

**DEFENDANTS STATE OF
MICHIGAN, GOVERNOR
GRETCHEN WHITMER,
FORMER GOVERNOR
JENNIFER GRANHOLM,
FORMER GOVERNOR RICK
SNYDER, MICHIGAN
SUPREME COURT,
KENDELL ASBENSON, AND
ATTORNEY GENERAL DANA
NESSEL'S MOTION TO
DISMISS SECOND AMENDED
COMPLAINT**

Owen W. Barnaby
Plaintiff in Pro Per
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Bryan W. Beach (P69681)
Attorney Defendants State of Michigan,
Whitmer, Granholm, Snyder, Michigan
Supreme Court, Asbenson & Nessel
Michigan Department of Attorney General
Civil Rights & Elections Division
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Lansing MI 48909
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**DEFENDANTS STATE OF MICHIGAN, GOVERNOR GRETCHEN
WHITMER, FORMER GOVERNOR JENNIFER GRANHOLM, FORMER
GOVERNOR RICK SNYDER, MICHIGAN SUPREME COURT, KENDELL
ASBENSON, AND ATTORNEY GENERAL DANA NESSEL'S MOTION TO
DISMISS SECOND AMENDED COMPLAINT**

Defendants State of Michigan, Governor Gretchen Whitmer, former Governor Jennifer Granholm, former Governor Rick Snyder, Michigan Supreme Court, Assistant Attorney General Kendell Asbenson, and Attorney General Dana Nessel (the State Defendants) move for the dismissal of Plaintiff Owen W. Barnaby's second amended complaint pursuant to Fed. R. Civ. Proc. 12(b)(1) and (6), for the reasons that this court lacks jurisdiction, Plaintiff's claims are barred by immunity, and he has failed to state a claim for which relief may be granted.

Respectfully submitted,

/s/Bryan W. Beach

Bryan W. Beach
Assistant Attorney General
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Dated: December 19, 2022

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2022, I electronically filed the foregoing document(s) with the Clerk of the Court using the ECF System, which will provide electronic notice to the parties of record and I have mailed by U.S. Postal Service the paper to the non-ECF participants.

/s/Bryan W. Beach

Bryan W. Beach (P69681)
Assistant Attorney General